

McCormick, Barstow, Sheppard,
Wayte & Carruth LLP
James P. Wagoner, #58553
jim.wagoner@mccormickbarstow.com
Nicholas H. Rasmussen, #285736
nrasmussen@mccormickbarstow.com
Graham A. Van Leuven, #295599
graham.vanleuven@mccormickbarstow.com
7647 North Fresno Street
Fresno, California 93720
Telephone: (559) 433-1300
Facsimile: (559) 433-2300

Attorneys for Plaintiff and Counter-
Defendant New York Marine and General
Insurance Company

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

NEW YORK MARINE AND
GENERAL INSURANCE COMPANY,
a New York corporation,,

Plaintiff,

v.

AMBER HEARD, an individual,,

Defendant.

Case No. 2:22-cv-04685-GW(PDx)

Consolidated for Pre-Trial Purposes
with 2:21-cv-5832-GW (PDx)

**JOINT STIPULATION FOR
REFERRAL TO MAGISTRATE
FOR SETTLEMENT
CONFERENCE ONLY**

Filed Concurrently with Proposed Order

Hon. George H. Wu

AMBER HEARD, an individual,

Counter-Claimant

v.

NEW YORK MARINE AND
GENERAL INSURANCE COMPANY,
a New York Corporation,

Counter-Defendant

1 Plaintiff and Counter-Defendant New York Marine and General Insurance
 2 Company (“NY Marine”) and Defendant and Counterclaimant Amber Heard
 3 (“Heard”) (collectively, the “Parties”), hereby submit this joint stipulation for an
 4 Order referring this matter to the Magistrate for purposes of a settlement conference
 5 only.

6 1. NY Marine filed its complaint initiating this action on July 8, 2022, and
 7 on July 11, 2022, filed the presently operative First Amended Complaint.

8 2. On July 11, 2022, the Parties received the Notice to Parties of Court-
 9 Directed ADR Program.

10 3. On October 20, 2022, the Court consolidated this action with the action
 11 entitled *Travelers Commercial Insurance Company v. New York Marine and General*
 12 *Insurance Company*, USDC Case no. 2:22-cv-04685-GW-PDx (the “*Travelers v. NY*
 13 *Marine* action”) for pre-trial purposes only.

14 4. On October 31, 2022, the Parties and Travelers submitted a Joint
 15 Scheduling Report which indicated that the parties would conduct a private mediation,
 16 as indicated by a proposed July 31, 2023 “Deadline to hold private mediation” in the
 17 parties’ proposed schedule.

18 5. On November 21, 2022, Heard filed her Answer to NY Marine’s First
 19 Amended Complaint and Counterclaim against NY Marine.

20 6. On January 13, 2023, Heard Filed her First Amended Supplemental
 21 Answer and First Amended Counterclaim against NY Marine.

22 7. On February 10, 2023, NY Marine filed its Motion to Dismiss Heard’s
 23 First Amended Counterclaim, which motion this Court granted on March 17, 2023.

24 8. On June 14, 2023, the Court entered a Scheduling Order (ECF #56)
 25 setting an August 31, 2023 deadline for the parties to hold a private mediation.

26 9. Presently before the Court are Heard’s and NY Marine’s Cross-motions
 27 for Judgment on the Pleadings.

28 10. In light of the present posture of this matter and the August 31, 2023

1 deadline, Travelers and NY Marine have scheduled an August 21, 2023 mediation
2 before Bruce Friedman, Esq. in an effort to resolve the disputes between them in the
3 *Travelers v. NY Marine* action.

4 11. Given the present procedural posture of this matter, NY Marine and
5 Heard believe that a Magistrate-administered settlement conference is more likely to
6 prove fruitful than a private-mediation in resolving the disputes between them in this
7 action.

8 12. Accordingly, NY Marine and Heard hereby jointly stipulate to and
9 request that this Court issue an Order referring this matter to the Magistrate for
10 purposes of settlement only.

11 Dated: August 1, 2023

Respectfully submitted,

12 McCORMICK, BARSTOW, SHEPPARD,
13 WAYTE & CARRUTH LLP

14
15 By: /s/ James P. Wagoner
16 James P. Wagoner
17 Nicholas H. Rasmussen
18 Graham A. Van Leuven
19 Attorneys for Plaintiff and Counter-Defendant
New York Marine and General Insurance
Company

20 DATED: August 1, 2023

PASICH LLP

21
22 By: /s/ Kayla Robinson
23 Kirk Pasich
24 Kayla Robinson
25 Owen Monkemeir

Attorneys for Amber Heard

26 9257037.1

PROOF OF SERVICE

New York Marine and General Insurance Company v. Amber Heard
USDC Central District of California, Case No. 2:22-cv-04685-GW-PD

STATE OF CALIFORNIA, COUNTY OF FRESNO

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Fresno, State of California. My business address is 7647 North Fresno Street, Fresno, CA 93720.

On August 1, 2023, I served true copies of the following document(s) described as **JOINT STIPULATION FOR REFERRAL TO MAGISTRATE FOR SETTLEMENT CONFERENCE ONLY** on the interested parties in this action as follows:

Kayla Robinson
Kirk A. Pasich
Pasich LLP
10880 Wilshire Blvd., Suite 2000
Telephone: (424) 313-7890
krobinson@pasichllp.com
kpasich@pasichllp.com

*Attorneys for Defendant and Counter
Claimant Amber Heard*

John T. Brooks
Andrea S. Warren
Jeffrey V. Commisso
Sheppard, Mullin, Richter & Hampton
LLP
501 W. Broadway, 19th Floor
San Diego, CA 92101
Telephone: (619) 338-6500
Email: jbrooks@sheppardmullin.com
Email: awaren@sheppardmullin.com
Email: icommisso@sheppardmullin.com

Courtesy Copy via E-mail

*Attorneys for Travelers Commercial
Insurance Company*

BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on August 1, 2023, at Fresno, California.

/s/ Heather Ward

Heather Ward